

Applicant: Cave et al.
Application No.: 10/672,179

REMARKS/ARGUMENTS.

Claims 1 - 20 are currently pending in this application. Claims 2, 3, 5, 7, 9, 11, 12, 13, 17, and 19 have been amended to improve clarity and provide proper antecedent basis. Applicants submit that no new matter has been introduced by these amendments.

Claim Rejections - 35 USC § 103

Claims 1 and 11 stand rejected under 35 USC §103 as being unpatentable over the background section of the application in view of Toskala et al. (US Patent Pub. No. 2006/0203753).

Claims 2 and 12 stand rejected as being unpatentable over the background section of the application and further in view of Muramoto et al. (US Patent Pub. No. 2005/0180377).

Claims 3 and 13 stand rejected under 35 USC §103a as being unpatentable over the background section of the application in view of Dahlman et al. (US Patent Pub. No. 2004/0008658).

Claims 7, 9, 17 and 19 stand rejected under 35 USC §103a as being unpatentable over the background section of the application in view of Miller et al (US Patent No 5,956,644).

Applicant: Cave et al.
Application No.: 10/672,179

Claims 8 and 18 stand rejected under 35 USC §103a as being unpatentable over the background section of the application in view of Sun et al. (US Patent No. 6,965,633).

Claims 10 and 20 stand rejected under 35 USC §103a as being unpatentable over the background section of the application in view of Han et al. (US Patent No. 20040047333).

Applicants respectfully submit that claim 1 is patentable over the art of record for at least the following reasons: Claim 1 recites the following feature:

A wireless communication system having a Node B and a plurality of wireless transmit/receive units (WTRUs), the system comprising: . . .

at least one downlink (DL) physical channel for supporting DL transmissions from the Node B to the WTRUs, said DL transmissions including an acquisition indicator and information regarding said acquisition indicator; whereby said acquisition indicator confirms whether the data transmitted over said UL channel was successfully received by the Node B.

(Emphasis added). On page four of the Office Action the Office admits that this feature is not contained in Applicants' specification. The Office relies on Toskala to remedy this deficiency. Toskala, however, does not remedy this deficiency at least because it does not teach or suggest "Information regarding said acquisition indicator." The present application is directed toward providing fast feedback for notifying WTRUs of the success or failure of a transmission. See specification, paragraphs [0014] and [0015]. By contrast, the invention of Toskala is not concerned with the speed of such feedback. Indeed, Toskala explicitly includes a delay in the method shown as 502 in Fig. 5 and disclosed in paragraph [0049]. In the invention of Toskala there is no teaching or suggestion of "information

regarding said acquisition indicator"; there is only disclosure of "acknowledgement". See for example Toskala paragraphs [0042] and [0049]. Applicants therefore respectfully submit that Claim 1 is patentable over the cited art.

Claim 11, a method claim, recites a similar feature which is neither taught nor suggested by Toskala namely:

A method . . . comprising . . .

including within said DL transmissions an acquisition indicator and information regarding said acquisition indicator; whereby said acquisition indicator confirms whether the data transmitted over said UL channel was successfully received by the Node B.

Applicants therefore respectfully submit that claim 11 is patentable over the cited art for reasons similar to those stated above concerning claim 1

Claims 2, 3, 7, 8, 9, and 10 are dependent from claim 1 and therefore do not contain the above quoted feature of claim 1. For claim 2, Muramoto does not remedy the deficiency. For claim 3, Dahlman does not remedy the deficiency. For claims 7 and 9, Miller does not remedy the deficiency. For claim 8, Sun does not remedy the deficiency. For claim 10, Han does not remedy the deficiency.

Claims 2, 3, 7, 8, 9, and 10 are therefore patentable over the art of record for at least the reasons given above concerning claim 1.

Claims 12, 13, 17, 18, 19, and 20 are dependent from claim 11 and therefore do not contain the above quoted feature of Claim 11. For claim 12, Muramoto does not remedy the deficiency. For claim 13, Dahlman does not remedy the deficiency. For claims 17 and 19, Miller does not remedy the deficiency. For claim 18, Sun does not remedy the deficiency. For claim 20, Han does not remedy the deficiency.

Applicant: Cave et al.
Application No.: 10/672,179

Claims 12, 13, 17, 18, 19, and 20 are therefore patentable over the art of record for at least the reasons given above concerning claim 11.

Based on the arguments presented above, withdrawal of the rejection of claims 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 17, 18, 19, and 20 under 35 USC §103a is respectfully requested.

Claim Objections

Claims 4 - 6 and 14 - 16 stand objected to as being dependent upon a rejected base claim. Claims 4 - 6 are dependent from claim 1 and claims 14 - 16 are dependent from claim 11. Therefore applicants respectfully submit that claims 4-6 and 14 - 16 are patentable over the art of record without amendment for at least the reasons set forth above concerning claims 1 and 11. The withdrawal of the objection to claims 4 - 6 and 14 - 16 is respectfully requested.

Information Disclosure Statement

The Office states on page 2 of the Office Action that the Information Disclosure Statement filed on September 19, 2005 fails to comply with the provisions of 37 CFR §1.97, §1.98 and MPEP §609 because a document listed in that IDS has not been received. Applicants include with this Response a Supplemental Information Disclosure Statement along with the requested document.

Applicant: Cave et al.
Application No.: 10/672,179

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 - 20, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Cave et al.

By


John C. Donch Jr.
Registration No. 43,593

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

JCD/MDH/tm